

REMARKS

Claim 17 has been rewritten in independent form and is otherwise the same claim as was originally filed.

The Examiner rejected claims 1, 3-8, 12-17, 19 and 27-31 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,539,379 to MacPherson.

The Examiner rejected claims 9-11, 20, 32 and 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,539,379 to MacPherson in view of U.S. Patent No. 6,111,953 to Walker *et al.*

Applicants respectfully traverse the §102(b) and §103(a) rejections with the following arguments.

35 U.S.C. §102(b)

The Examiner rejected claims 1, 3-8, 12-17, 19 and 27-31 under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,539,379 to MacPherson.

Since claims 12-16 have been canceled, the rejection of claims 12-16 under 35 U.S.C. §102(b) is moot.

Applicants respectfully contend that MacPherson does not anticipate claims 1, 17, and 27, because MacPherson does not teach each and every feature of claims 1, 17, and 27.

As a first example of why MacPherson does not teach each and every feature of claims 1, 17, and 27, MacPherson does not teach the feature: "a first stationary arm mounted on the base holding the fold lines at the first end of the assembly, a second arm slidably mounted on the base".

The Examiner argues that "MacPherson discloses an enclosure with a base (24), a first arm (30), and a second arm (32) (MacPherson: figure 2)".

In response, Applicants note that MacPherson discloses an enclosure 20, and reference numbers 24 denotes a lower wall of the enclosure 20, and reference numerals 30 and 32 denote end walls of the enclosure 20 (see MacPherson, FIGS. 1 and 2; col. 6, lines 9-12. Applicants contend that both end walls 30 and 32 are fixedly mounted to the lower wall 24. Thus, neither end wall 30 nor end wall 32 is slidably mounted to the lower wall 24 as required by claims 1, 17, and 27, because end walls 30 and 32 cannot slide along the lower wall 24. In contrast, FIG. 9 of Applicants' patent application illustrates that "traversing clamping arm 54 is slidably mounted to the base 48" (see specification, page 13, lines 15-16).

As a second example of why MacPherson does not teach each and every feature of claims 1, 17, and 27, MacPherson does not teach the feature: "a traversing mechanism to bias the second arm toward the fold lines at the second end of the assembly".

The Examiner alleges in "Response to Arguments" that the preceding feature of claims 1, 17, and 27 is clearly pointed out in MacPherson, FIG. 2. However, it is not at all clear to Applicants that MacPherson, FIG. 2 teaches the preceding feature of claims 1, 17, and 27. Therefore, Applicants respectfully request that the Examiner explain how MacPherson, FIG. 2 teaches the preceding feature of claims 1, 17, and 27 (i.e., the feature of: "a traversing mechanism to bias the second arm toward the fold lines at the second end of the assembly").

Based on the preceding arguments, Applicants respectfully maintain that MacPherson does not anticipate claims 1, 17, and 27, and that claims 1, 17, and 27 are in condition for allowance. Since claims 3-10 depend from claim 1, Applicants contend that claims 3-10 are likewise in condition for allowance. Since claim 18-19 depends from claim 17, Applicants contend that claims 18-19 are likewise in condition for allowance. Since claims 28-31 depend from claim 27, Applicants contend that claims 28-31 are likewise in condition for allowance.

35 U.S.C. §103(a)

The Examiner rejected claims 9-11, 20, 32 and 33 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,539,379 to MacPherson in view of U.S. Patent No. 6,111,953 to Walker *et al.*

Since claim 11 has been canceled, the rejection of claim 11 under 35 U.S.C. §102(b) is moot.

Since claims 9-10 depend from claim 1, which Applicants have argued *supra* to not be unpatentable over MacPherson under 35 U.S.C. §102(b), Applicants maintain that claims 9-10 are likewise not unpatentable over MacPherson in view of Walker under 35 U.S.C. §103(a).

Since claim 20 depends from claim 17, which Applicants have argued *supra* to not be unpatentable over MacPherson under 35 U.S.C. §102(b), Applicants maintain that claim 20 is likewise not unpatentable over MacPherson in view of Walker under 35 U.S.C. §103(a).

Since claims 32-33 depend from claim 27, which Applicants have argued *supra* to not be unpatentable over MacPherson under 35 U.S.C. §102(b), Applicants maintain that claims 32-33 are likewise not unpatentable over MacPherson in view of Walker under 35 U.S.C. §103(a).

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0457.

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